UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,094	11/05/2003	Robert P. Madill JR.	5053-64100	6815

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EXAMINER
WINTER, JOHN M

ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 02/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *66,67, 69- 83,101, 134,146 and 159-161* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *66,67, 69- 83,101, 134,146 and 159-161* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claims 66,67, 69- 83,101, 134,146 and 159-161 remain pending.

Applicant's request for reconsideration of the finality of the rejection of the last Office

action is persuasive and, therefore, the finality of that action is withdrawn.

Response to Arguments

The Applicants arguments filed on October 31, 2005 have been fully considered.

The amended claims a rejected in consideration of newly discovered reference Pendelton Jr. (US Patent 6,253,186).

See following rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 66,67, 69- 83 and 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torres et al., (US Patent Application No 2005/0043961) in view of Forman (US Patent No 6,826,536) and further in view of Pendleton, Jr. (US Patent 6,253,186)

As per claim 66,

Torres et al. ('961) discloses a method, comprising:

providing at least two fraud potential indicators for at least one request,;(paragraph 21)

displaying a score or rank forat least two of the fraud potential indicators in a graphical user interface wherein the displayed fraud potential indicators for the request are each assessed using a different fraud detection technique.(Figure 7)

Torres et al. discloses the claimed invention except for "two fraud potential indicators", It would have been obvious to one having ordinary skill in the art at the time the invention was made to use two fraud potential indicators, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Torres et al. ('961) does not explicitly disclose wherein at least two fraud potential indicators are assessed using at least two fraud potential detection techniques . Forman ('536) discloses wherein at least two fraud potential indicators are assessed using at least two fraud potential detection techniques (column 4, lines 57-64) It would be obvious to one having ordinary skill in the art at the time of the invention to combine Torres et al. ('961)'s method with Forman's teaching in order to promote correct assessment of fraud by using multiple indicators .

Torres et al. ('961) does not explicitly disclose referring the request for review if at least one fraud potential indicator exceeds a threshold value wherein the threshold value is adjusted to control the number of requests with at least one fraud potential indicator exceeding the threshold value. Pendleton, Jr. ('186) discloses referring the request for review if at least one fraud potential indicator exceeds a threshold value wherein the threshold value is adjusted to control the number of requests with at least one fraud potential indicator exceeding the threshold value. (column 7, lines 35-59) It would be obvious to one having ordinary skill in the art at the time of the invention to combine Torres et al. ('961)'s method with Pendleton, Jr. ('186)'s teaching in order to determine the rate of increase of fraudulent claims.

Claims 76 and 80 are in parallel with claim 66 and are rejected for at least the same reasons.

As per claim 67,
Torres et al. ('961) discloses the method of claim 66,
wherein clicking on at least one fraud potential indicator for the at least one request will display information about the at least one request. (paragraph 47, figure 7)

As per claim 69,
Torres et al. ('961) discloses the method of claim 66, further comprising
wherein at least one request is an insurance claim, and at least one insurance claim is organized into lists according to at least two of referred claims, assigned claims, or rejected claims, and wherein selecting a graphical component respective to at least one of a referred claims, desired claims, or rejected claims brings up a list of claims in the corresponding list.(Figure 9)

As per claim 70,
Torres et al. ('961) discloses the method of claim 66, further comprising
further comprising changing a criteria about which claims to display by selecting a filter graphical component. (Figure 8)

As per claim 71,
Torres et al. ('961) discloses the method of claim 66, further comprising
assigning at least one request by selecting an desired graphical component. (Figure 7)

As per claim 72,
Torres et al. ('961) discloses the method of claim 66, further comprising
rejecting at least one request by selecting a reject graphical component.(Figure 1)

As per claim 73,
Torres et al. ('961) discloses the method of claim 66,
wherein at least one gaud potential detection technique comprises predictive modeling.(Paragraph 21)

Claims 77 and 81 are in parallel with claim 73 and are rejected for at least the same reasons.

As per claim 74,
Torres et al. ('961) discloses the method of claim 66,
Official Notice is taken that "at least one fraud potential detection technique comprises at least one identity search of insurance claim data" is common and well known in prior art in reference to fraud detection protocols. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use an identity search in order to expose any aliases that the claim filer may have used in the past.

Claims 78 and 82 are in parallel with claim 74 and are rejected for at least the same reasons.

As per claim 75,
Torres et al. ('961) discloses the method of claim 66,
wherein at least one fraud potential detection technique comprises assessing request data using at least one business rule(Paragraph 21).

Claims 79 and 83 are in parallel with claim 75 and are rejected for at least the same reasons.

As per claim 84,
Torres et al. ('961) discloses a method, comprising:
providing at least two fraud potential indicators for at least one request;(paragraph 21) and assessing a probability of fraud to at least one request based on at least one fraud potential indicator, wherein a probability of fraud of the at least one request comprises a rank of at least one gaud potential indicator of the at least one request relative to fraud potential indicators of another request. (Figure 8)
Torres et al. discloses the claimed invention except for "two fraud potential indicators", It would have been obvious to one having ordinary skill in the art at the time the invention was made to use two fraud potential indicators, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

As per claim 101,
Torres et al. ('961) discloses a method, comprising:
assessing at least two fraud potential indicators for an insurance claim using at least two of an identity search engine, a predictive model engine, or a business rule engine,

Torres et al. ('961) does not explicitly disclose configuring administrative information for a system to assess at least two fraud potential indicators using an insurance claim. Pendleton, Jr. ('186) discloses configuring administrative information for a system to assess at least two fraud potential indicators using an insurance claim. (column 7, lines 35-59) It would be obvious to one having ordinary skill in the art at the time of the invention to combine Torres et al. ('961)'s method with Pendleton, Jr. ('186)'s teaching in order to allow the system to work with the proper parameters.

Torres et al. ('961) does not explicitly disclose wherein at least two fraud potential indicators. Forman ('536) discloses at least two fraud potential indicators (Figure 2; column 5, lines 20-59 [training and updating the system etc...]) It would be obvious to one having ordinary skill in the art at the time of the invention to combine Torres et al. ('961)'s method with Forman's teaching in order to promote correct assessment of fraud by using multiple indicators .

Torres et al. discloses the claimed invention except for "two fraud potential indicators", It would have been obvious to one having ordinary skill in the art at the time the invention was made to use two fraud potential indicators, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Claims 134,146 and 159-161 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torres et al., (US Patent Application No 2005/0043961).

As per claim 134,
Torres et al. ('961) discloses a method, comprising:
assessing at least two fraud potential indicators for an insurance claim using at least two of an identity search engine, a predictive model engine, or a business rule engine;
simultaneously displaying information about an insurance claim including identifying information for the claim and a score or a rank for at least two fraud potential indicators for the insurance claim, (Figure 7)
displaying a summary information window, the summary information window comprising engine summary information relating the insurance claim for at least one engine used to assign at least one of the at least two fraud potential indicators for the insurance claim. (Figure 8)

Torres et al. discloses the claimed invention except for "two fraud potential indicators", It would have been obvious to one having ordinary skill in the art at the time the invention was made to use two fraud potential indicators, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

As per claim 146,
Torres et al. ('961) discloses a method, comprising:
assessing at least two fraud potential indicators for an insurance claim using at least two of an identity search engine, a predictive model engine, or a business rule engine;
simultaneously displaying information about an insurance claim including identifying information for the claim and a score or a rank for at least two fraud potential indicators for the

insurance claim, (Figure 7)
displaying a summary information window, the summary information window comprising summary information related to a at least one involved entity related to at least one assigned fraud potential indicator, wherein the at least one involved entity comprises an involved organization or an involved vehicle. (Figure 8)

  Torres et al. discloses the claimed invention except for "two fraud potential indicators", It would have been obvious to one having ordinary skill in the art at the time the invention was made to use two fraud potential indicators, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

  As per claim 159,
  Torres et al. ('961) discloses the method of claim 134,
  wherein at least one engine used to assign at least one of the at least two fraud potential indicators is a predictive modeling engine, and wherein summary information for the predictive modeling engine includes criteria used to assign the fraud potential indicator to the claim. (Figures 7 and 8)

  Torres et al. discloses the claimed invention except for "two fraud potential indicators", It would have been obvious to one having ordinary skill in the art at the time the invention was made to use two fraud potential indicators, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

  As per claim 160,
  Torres et al. ('961) discloses the method of claim 134,
wherein at least one engine used to assign at least one of the at least two fraud potential indicators is an identity search engine, and wherein summary information for the identity search engine includes information on at least one match used to assign the fraud potential indicator to the claim. (Figure 8)

  Torres et al. discloses the claimed invention except for "two fraud potential indicators", It would have been obvious to one having ordinary skill in the art at the time the invention was made to use two fraud potential indicators, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

  As per claim 161,
  Torres et al. ('961) discloses the method of claim 134,
wherein at least one engine used to assign at least one of the at least two fraud potential indicators is a business rule engine, and wherein summary information for the business rule engine includes information on at least one business rule used to assign the fraud potential indicator to the claim. (Paragraph 21, Figure 8)

  Torres et al. discloses the claimed invention except for "two fraud potential indicators", It would have been obvious to one having ordinary skill in the art at the time the invention was made to use two fraud potential indicators, since it has been held that mere duplication of the

essential working parts of a device involves only routine skill in the art. *St Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to John Winter whose telephone number is **(571) 272-6713**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at **(571) 272-6712**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://portal.uspto.gov/external/portal/pair . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-7687   [Official communications; including After Final communications labeled "Box AF"]

Hand delivered responses should be brought to the Examiner in the Knox Building, 50 Dulany St. Alexandria, VA.
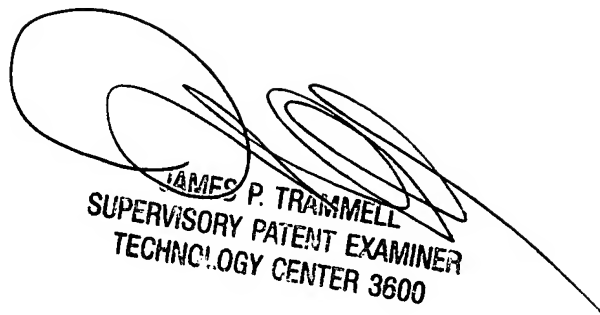
JMW
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